

June 25, 2003  
DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

*Appeal*

Name of Petitioner: Richard Fauvre

Date of Filing: May 29, 2003

Case Number: TFA-0031

On May 29, 2003, Richard Fauvre (the Appellant), filed an Appeal from a final determination that the Oak Ridge Operations Office (Oak Ridge) of the Department of Energy (DOE) issued on May 12, 2003. That determination concerned a request for information submitted by the Appellant pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by the DOE in 10 C.F.R. Part 1004. If the present Appeal were granted, Oak Ridge would be required to conduct a further search for responsive documents.

*Background*

On April 2, 2003, the Appellant submitted a FOIA request for all documents on Rubie Gladys Steakley, his mother, who worked for Clinton Engineering at Oak Ridge during World War II. He provided her maiden name and Social Security Number to aid the search. On May 12, 2003, Oak Ridge responded that the search of the files of Oak Ridge and its contractor and facility site did not locate any records on Ms Steakley. Determination Letter dated May 12, 2003, from Amy Rothrock, Authorizing Official, Oak Ridge, to Richard Fauvre. On May 29, 2003, the Appellant appealed that determination to our Office. Appeal Letter dated May 15, 2003, from Richard Fauvre, to Director, Office of Hearings and Appeals (OHA), DOE. In the Appeal, the Appellant argues that no effort was made to locate Ms Steakley's records. He alleged that Oak Ridge did not check the Federal Records Center in Atlanta, Georgia, or various other DOE records. *Id.*

*Analysis*

In responding to a request for information filed under the FOIA, it is well established that an agency must "conduct a search reasonably calculated to uncover all relevant documents." *Truitt v. Department of State*, 897 F.2d 540, 542 (D.C. Cir. 1990). "The standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials." *Miller v. Department of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); *accord Truitt*, 897 F.2d at 542. We have not hesitated to remand a case where it is evident that the

search conducted was in fact inadequate. *See, e.g., Ashok K. Kaushal*, 27 DOE ¶ 80,189 (1999); *Hobart T. Bolin, Jr.*, 27 DOE ¶ 80,124 (1998).

We have contacted Oak Ridge in response to the Appellant's request to determine what type of search was conducted. All the systems of records referenced in the Appeal Letter were, in fact, searched and no responsive documents were discovered. The DOE vault, which contains classified records as well as historical records dating back to 1942 such as personnel or medical files, was searched also. No records from the time period that Ms Steakley would have worked at Oak Ridge have been sent to the Federal Records Repository in Atlanta because the records are still used on a daily basis for FOIA requests and other various studies.

Oak Ridge also conducted a computerized search at seven or eight locations using Ms Steakley's name or social security number. All the Oak Ridge plants and repositories were searched. Furthermore, Oak Ridge indicated that no medical records were maintained until 1950 unless the person was involved in an accident. Apparently, Ms Steakley was not. Oak Ridge also informed us that it often it does not have records of employees during World War II. Sometimes, but usually only if the person was an employee of the prime contractor, a five by seven index card containing personnel information can be located. No such card was located for Ms Steakley, who was not an employee of the prime contractor. Based on the search that Oak Ridge performed, we are convinced that it followed procedures which were reasonably calculated to uncover the material sought by the Appellant in his request. Accordingly, the Appeal should be denied.

It Is Therefore Ordered That:

- (1) The Appeal filed by Richard Fauvre, on May 29, 2003, Case No. TFA-0031, is hereby denied.
- (2) This is a final Order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provision of 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought either in the district where the requester resides or has a principal place of business or in which the agency records are situated or in the District of Columbia.

George B. Breznay  
Director  
Office of Hearings and Appeals

Date: June 25, 2003